

## CHARTER COMMISSION MEETING MINUTES

MONDAY, JANUARY 3, 2011

705 W. University Avenue, Council Auditorium

**Commission members in attendance:** Odon Bacque, Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manual, D. Keith Miller, Stephen J. Oats, Aaron Walker

**Absent:** None

**Charter staff members in attendance:** Pat Ottinger (City-Parish Attorney) and Veronica L. Williams (Charter Commission Clerk)

**Council Members/Staff in attendance:** Council Clerk Norma Dugas

**Administration staff in attendance:** Director of Lafayette Utilities System Terry Huval and Director of Finance Becky Lalumia

(5:30 p.m.) AGENDA ITEM NO. 1: Call to order  
Chair George Lewis called the meeting to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance  
Commissioner Stephen Oats was called upon to deliver the invocation and lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: Comments/Announcements from Commission Members  
There were no comments from the Commissioners.

AGENDA ITEM NO. 4: Continued discussion of administrative sections of separate City and Parish charters

Lewis stated that the Commission would continue a review of the administrative sections of the Charter, and started with the draft of the City charter. At a previous meeting, there was discussion on the selection process of applicants to fill a vacant position of the Council or Mayor. The question was raised on what would happen should an applicant be unacceptable or unqualified. Ottinger stated that the time limit to make the appointment could be expanded beyond 30 days to allow additional time to seek additional applicants and make the appointment. Increasing the time to a 45-day period would allow more time to re-advertise the position.

A motion was offered by Bacque, seconded by Walker **to identify a preliminary Charter amendment to allow for a 30-day application period when an elected official resigned his/her position and a 45-day period in cases where a death occurred.**

After further discussion, a substitute motion was offered by Oats, seconded by Bacque **to identify a preliminary Charter amendment to allow for a 45-day application period to fill a vacant position** and the vote was as follows:

YEAS: Bacque, Bourgeois, Carson, Conque, Lewis, Manuel, Oats, Miller, Walker

NAYS: None

ABSENT: None

ABSTAIN: None

*The substitute motion was unanimously approved.*

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On another note, Ottinger reminded that should the Council be unable to agree on a candidate it would go to the governor to select the candidate. Further, due to existing statutes, the Charter Commission could not require that the governor choose from a specified list of applicants.

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5-04 E - Ottinger suggested that the last sentence read: “*No unencumbered appropriation balances may be transferred from one department, office or agency to another unless approved by the Council by ordinance*”.

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5-04 G – Lewis stated that this was a new section added straight from the former City Charter to ensure that the funds appropriated for emergencies would be available immediately. Oats suggested that the language be removed as the intent had been covered in another section of the Charter.

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5-05 D – Lalumia questioned how the word “*acquisitions*” should be defined. Bacque requested that Lalumia review the Section and provide language to address her concern. Huval added that he too would speak with Lalumia about similar concerns related to the Lafayette Utilities System that he would like to have included.

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5-06 B – Lalumia and Ottinger did not feel there was a need for the sentence related to contracts and the bid law. Lewis favored the sentence as he felt it addressed a specific type of contract.

After further discussion, a motion was offered by Bacque, seconded by Manuel **to identify a preliminary Charter amendment to include the following sentence as presented in this Section stating: “*Contracts for services not covered by the public bid law shall be for a period not to exceed the term for which the Council Members and the Mayor are elected*”** and the vote was as follows:

YEAS: Bacque, Bourgeois, Carson, Conque, Lewis, Manuel, Oats, Miller, Walker

NAYS: None

ABSENT: None

ABSTAIN: None

*The motion was unanimously approved.*

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6-01- Under initiatives and referendums, Oats thought the current threshold for a recall (Section 6-02) was too high. Oats stated that he had law students researching this matter to determine what the threshold was in other communities. The results of that research would be presented during a Charter meeting in the near future. Referring to the new sentence in the first paragraph, Lalumia concurred with including the sentence as written.

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7-03 Lewis stated that three new paragraphs were inserted that related to establishing a Charter Commission, with a recommendation that one be established initially after 10 years and every 12 years thereafter. The Commission concurred with the language. Ottinger would provide further clarifying language.

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7-04 There was consensus to leave the language for the Bonding of Officers in the Charter.

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7-10 Conque stated that in the existing Charter, the language for the Urban Services Districts was included to define the geographical boundaries that the City Police and Fire Departments serviced and questioned, given this was the City charter, whether this language was still needed. There was consensus to delete the Section with reference to Urban Services Districts.

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8-01 - Ottinger stated that he would further review this section on defining the districts and contact the Secretary of State's office for additional input. Once his review was complete, he would report back to the Commission. Conque suggested that the City of Central, LA be contacted on the way they structured this section of their charter to get more input. Lewis asked that Ottinger report back with his findings. Further, he requested that the Clerk obtain a copy of Central's Home Rule Charter.

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8-07 – Lalumia concurred with deleting the recommended portions of this section.

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8-11 – To further clarify the last sentence of the section, Lewis recommended that the word “*only*” be added after the word “*shall*”. Ottinger concurred and there was no objection from Commissioners.

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AGENDA ITEM NO. 5: General comments from the public on Consolidation  
There were no comments from the public.

AGENDA ITEM NO. 6: Next meeting date  
The next meeting of the Commission was scheduled for January 10, 2011.

AGENDA ITEM NO. 7: Adjourn

There being no further business, the meeting adjourned at 7:29 p.m.